



DEVELOPMENT SERVICES DEPARTMENT  
ENVIRONMENTAL COORDINATOR  
450 110<sup>th</sup> Ave NE  
BELLEVUE, WA 98009-9012

### DETERMINATION OF NON-SIGNIFICANCE

**PROPONENT:** Belvedere Lot 6

**LOCATION OF PROPOSAL:** 5139 145th Place SE

**DESCRIPTION OF PROPOSAL:** Critical Areas Land Use Permit approval for a Vegetation Management Plan to restore approximately 1,560 sq. ft. of native vegetation within a critical area steep slope and critical area steep slope buffer.

**FILE NUMBERS:** 19-124104-LO **PLANNER:** Kimo Burden

The Environmental Coordinator of the City of Bellevue has determined that this proposal does not have a probable significant adverse impact upon the environment. An Environmental Impact Statement (EIS) is not required under RCW 43.21C.030(2)(C). This decision was made after the Bellevue Environmental Coordinator reviewed the completed environmental checklist and information filed with the Land Use Division of the Development Services Department. This information is available to the public on request.

- ☐ There is no comment period for this DNS. There is a 14-day appeal period. Only persons who submitted written comments before the DNS was issued may appeal the decision. A written appeal must be filed in the City Clerk's office by 5:00 p.m. on \_\_\_\_\_.
- ☒ This DNS is issued after using the optional DNS process in WAC 197-11-355. There is no further comment period on the DNS. There is a 14-day appeal period. Only persons who submitted written comments before the DNS was issued may appeal the decision. A written appeal must be filed in the City Clerk's Office by 5 p.m. on **11/21/2019**
- ☐ This DNS is issued under WAC 197-11-340(2) and is subject to a 14-day comment period from the date below. Comments must be submitted by 5 p.m. on \_\_\_\_\_. This DNS is also subject to appeal. A written appeal must be filed in the City Clerk's Office by 5:00 p.m. on \_\_\_\_\_.

This DNS may be withdrawn at any time if the proposal is modified so as to have significant adverse environmental impacts; if there is significant new information indicating a proposals probable significant adverse environmental impacts (unless a non-exempt license has been issued if the proposal is a private project); or if the DNS was procured by misrepresentation or lack of material disclosure.

*Heidi M. Bean*  
Environmental Coordinator  
*Elizabeth Stead*

11/7/2019

Date

**OTHERS TO RECEIVE THIS DOCUMENT:**

- ☒ State Department of Fish and Wildlife / [Stewart.Reinbold@dfw.gov](mailto:Stewart.Reinbold@dfw.gov)  
☒ State Department of Ecology, Shoreline Planner N.W. Region / [Jobu461@ecy.wa.gov](mailto:Jobu461@ecy.wa.gov); [sepaunit@ecy.wa.gov](mailto:sepaunit@ecy.wa.gov)  
☒ Army Corps of Engineers [Susan.M.Powell@nws02.usace.army.mil](mailto:Susan.M.Powell@nws02.usace.army.mil)  
☒ Attorney General [ecyolyef@atg.wa.gov](mailto:ecyolyef@atg.wa.gov)  
☒ Muckleshoot Indian Tribe [Karen.Walter@muckleshoot.nsn.us](mailto:Karen.Walter@muckleshoot.nsn.us); [Fisheries.fileroom@muckleshoot.nsn.us](mailto:Fisheries.fileroom@muckleshoot.nsn.us)



**City of Bellevue  
Development Services Department  
Land Use Staff Report**

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**Proposal Name:** Belvedere Lot 6 VMP

**Proposal Addresses:** 5139 145<sup>th</sup> Place SE

**Proposal Description:** Critical Areas Land Use Permit approval for a Vegetation Management Plan to restore approximately 1,560 sq. ft. of native vegetation within a critical area steep slope and critical area steep slope buffer.

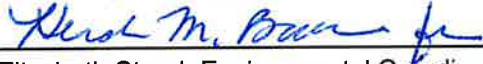
**File Number:** 19-124104-LO

**Applicant:** Ryan Grams


**Decisions Included:** Critical Areas Land Use Permit  
(Process II. LUC 20.30P)

**Planner:** Kimo Burden, Associate Planner

**State Environmental Policy Act  
Threshold Determination:** Determination of Non-Significance

  
Elizabeth Stead, Environmental Coordinator  
Development Services Department

**Director's Decision:** Approval with Conditions

  
Elizabeth Stead, Land Use Director  
Development Services Department

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Application Date: October 5, 2019  
Notice of Application Publication Date: October 10, 2019  
Decision Publication Date: November 7, 2019  
Project/SEPA Appeal Deadline: November 21, 2019

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For information on how to appeal a proposal, visit Development Services Center at City Hall or call (425) 452-6800. Comments on State Environmental Policy Act (SEPA) Determinations can be made with or without appealing the proposal within the noted comment period for a SEPA Determination. Appeal of the Decision must be received in the City's Clerk's Office by 5 PM on the date noted for appeal of the decision.

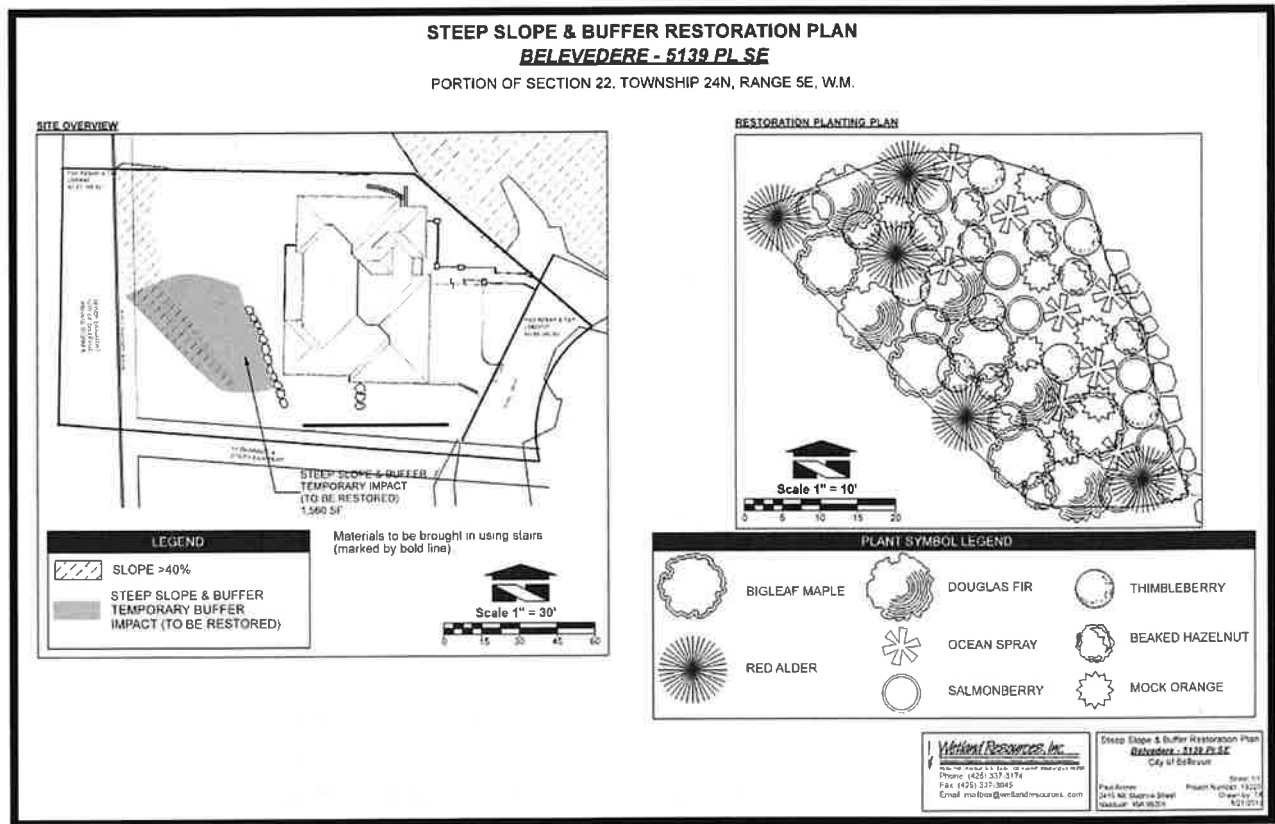
## I. Proposal Description

The applicant is requesting a Critical Areas Land Use Permit (CALUP) to restore approximately 1,560 sq. ft. of native vegetation consisting of trees and understory species. During construction activities of a new single-family residence, there was unpermitted vegetation and tree removal within approximately 1,560 sq. ft. of a critical areas steep slope and critical area steep slope buffer.

The site has two previously approved Critical Areas Land Use Permits. Permit No. 17-104023 LO and Permit No. 17-121193 LO. Both Critical Areas Land Use Permits proposed to construct a new single-family residence located within a 50 ft. top of slope buffer and a 75 ft. toe of slope structure setback. The recent vegetation disturbance did not impact the mitigation planting previously installed and documented in the Critical Areas Report prepared by Wetland Resources, Inc. on August 21, 2019.

Per LUC 20.25H.055.C.3.(i)iv a CALUP is required because the proposed vegetation management activities are located within a critical area and critical area buffer.





## II. Consistency with Land Use Code Requirements

Vegetation Management Plan Performance Standards LUC 20.25H.055.C.3.v.i

(A) Is the Vegetation Management Plan prepared by a qualified professional?

Yes ☒ or No ☐

Describe:

Plan Preparer's Name: Meryl Kamowski and Tess Amen  
Company: Wetland Resources Environmental Consulting  
Address: 9505 19<sup>th</sup> Avenue SE, Suite 106, Everett, WA 98208  
Phone: 425-337-3174  
Statement of Qualifications: Ecologist

(B) Does the Vegetation Management Plan include the following?

(1) A description of existing site conditions, including existing critical area functions and values;

Yes ☒ or No ☐

Describe: There are two steep slope areas on the subject site, covering approximately 1,400 sq. ft. of the site area. There is a forested steep slope area rising from the northeast corner of the site and extending onto the adjacent lot to the north (Belvedere Lot 7). The second steep slope is a narrow isolated steep slope area located on the west portion of the site. Additionally, there is an off-site Category III wetland and the 110 ft. wetland buffer extends onto the southwest corner of the site. There are no impacts proposed within the

wetland buffer. The primary function of vegetation is to maintain slope stability; provide habitat opportunities; maintain stormwater quality; and buffer development from the steep slope geologic hazards.

(2) A site history;

Yes ☒ or No ☐

Describe: The Belvedere Lot 6 was developed under Permit No. 19-121193 LO and contains an existing single-family residence, associated infrastructure, including a paved parking pad, garage, utilities lines and landscaping.

(3) A discussion of the plan objectives;

Yes ☒ or No ☐

Describe: The general objective of the plan is to restore the steep slope and steep slope buffer functions and values, lost by unauthorized disturbance. The plan aims to increase diversity of native species within the steep slope.

(4) A description of all sensitive features;

Yes ☒ or No ☐

Describe: The site contains geologic hazard steep slopes. Off-site there is a Category III Wetland and the associated wetland buffer extends on-to the subject site. See the attached Vegetation Management Plan dated August 21, 2019 and the Critical Areas Report dated January 12, 2017, from the Wetland Resources, Inc. for a more detailed description of all critical areas and their buffers.

(5) Identification of soils, existing vegetation, and habitat associated with species of local importance present on the site;

Yes ☒ or No ☐

Describe: The soils on-site generally consist of loose to medium-dense silty sand and sandy silt which became dense to very dense below depths of 20 to 25 ft. from the existing grade. Borings 1 and 3 encountered dense silt at depths of 23 and 30 ft. respectively. This dense soil appears to have been glacially compressed, while the upper, loose soils have not been.

Vegetation at the site was observed and documented to contain a mix of natives, including but not limited to, Big Leaf Maple (*Acer Macrophyllum*), Red Alder (*Alnus Rubra*), Holy (Ilex Aquifolium), Oso Berry (*Oemleria Cerasiformis*), Himalayan BlackBerry (*Rubus Armeniacus*), Western Sword Fern (*Polystichum Munitum*) and various grass species.

(6) Allowed work windows;

Yes ☒ or No ☐

Describe: The proposed restoration work shall be completed by December 31, 2019.

(7) A clear delineation of the area within which clearing and other vegetation management practices are allowed under the plan; and

Yes ☒ or No ☐

Describe: The restoration plans prepared by Wetland Resource, Inc. clearly identify areas of work.

(8) Short and long-term management prescriptions, including characterization of trees and vegetation to be removed, and restoration and revegetation plans with native species, including native species with a lower growth habit. Such restoration and revegetation plans shall demonstrate that the proposed Vegetation Management Plan will not significantly diminish the functions and values of the critical area or alter the forest and habitat characteristics of the site over time.

Yes ☒ or No ☐

Describe: The restoration plans objective is to restore the steep slope and steep slope buffer functions and values lost by the unpermitted disturbance. Additionally, the plans aim to control invasive species within the restoration area. The recent vegetation disturbance did not impact the mitigation planting previously installed and documented in the Critical Areas Report prepared by Wetland Resources, Inc. on August 21, 2019.

(C) Would any proposed tree removal result in a significant impact to habitat associated with species of local importance?

Yes ☐ or No ☒

Describe: There is no additional tree removal proposed. The restoration plan will enhance areas that were previously disturbed.

If yes, can the impacted function be replaced elsewhere within the management area subject to the plan?

(D) Yes ☐ or No ☒ Is the area under application subject to any applicable neighborhood restrictive covenants that address view preservation or vegetation management? The existence of and provisions of neighborhood restrictive covenants shall not be entitled to any more or less weight than other reports and materials in the record.

Yes ☐ or No ☒

If yes, describe:

### III. Public Notice and Comment

Application Date:	October 5, 2019
Public Notice (500 feet):	October 10, 2019
Minimum Comment Period:	October 24, 2019

The Notice of Application for this project was published in the City of Bellevue weekly permit bulletin on October 10, 2019. It was mailed to property owners within 500 feet of the project site. No comments have been received from the public as of the writing of this staff report.

### IV. Summary of Technical Reviews

**A. Clearing and Grading**

The Clearing and Grading Division of the Development Services Department has reviewed the proposed site development for compliance with Clearing and Grading codes and standards. The Clearing and Grading staff approved the application.

**B. Utility Review**

The Utility Review Division of the Development Services Department has reviewed the proposed site development for compliance with Utility codes and standards and approved the application.

**V. State Environmental Policy Act (SEPA)**

The environmental review indicates no probability of significant adverse environmental impacts occurring as a result of the proposal. The attached Environmental Checklist submitted with the application adequately discloses expected environmental impacts associated with the project. The City codes and requirements, including the Clear and Grade Code, Utility Code, Land Use Code, Noise Ordinance, Building Code and other construction codes are expected to mitigate potential environmental impacts. Therefore, issuance of a Determination of Non-Significance (DNS) is the appropriate threshold determination under the State Environmental Policy Act (SEPA) requirements.

**VI. Critical Areas Land Use Permit Decision Criteria  
LUC 20.30P.140**

The Director may approve or approve with modifications an application for a Critical Areas Land Use Permit if:

- A. The proposal obtains all other permits required by the Land Use Code; and  
Yes ☒ or No ☐  
Describe: The proposal is required to obtain a Clearing & Grading Permit in Critical Areas Permit (GJ) prior to commencing work under this proposal.
- B. The proposal utilizes to the maximum extent possible the best available construction, design and development techniques which result in the least impact on the critical area and critical area buffer; and  
Yes ☒ or No ☐  
Describe: The mitigation plans proposed to use native vegetation for restoration.
- C. The proposal incorporates the performance standards of Part 20.25H LUC to the maximum extent applicable; and  
Yes ☒ or No ☐  
Describe: As discussed in Section II, the proposal has demonstrated compliance with the performance standards for vegetation management within a critical area.
- D. The proposal will be served by adequate public facilities including streets, fire protection, and utilities; and

Yes ☒ or No ☐

Describe: The site is currently served by adequate public facilities. The proposal will not increase the need for public facilities on the site.

- E. The proposal includes a mitigation or restoration plan consistent with the requirements of LUC 20.25H.210; except that a proposal to modify or remove vegetation pursuant to an approved Vegetation Management Plan under LUC 20.25H.055.C.3.i shall not require a mitigation or restoration plan; and

Yes ☒ or No ☐

Describe: The proposal includes a vegetation management planting plan meeting the recommendations of the Critical Areas Handbook and that is consistent with the requirements of LUC 20.25H.210. **See section VII for conditions of approval.**

- F. The proposal complies with other applicable requirements of this code.

Yes ☒ or No ☐

Describe: Demonstration of compliance with the other applicable requirements of the Bellevue City Code will be completed under the review of the required clearing and grading permit.

## VII. Conclusion and Decision

After conducting the various administrative reviews associated with this proposal, including Land Use Code consistency, SEPA, City Code and Standard compliance reviews, the Director of the Development Services Department does hereby **approve with conditions** the vegetation management plan within the subject site 5139 145<sup>th</sup> Place SE.

**Note- Expiration of Approval:** In accordance with LUC 20.30P.150.B, the Critical Areas Land Use Permit for Vegetation Management is valid for a period of no greater than seven (7) years after the effective date of the approval. The approval is not subject to extension provision of LUC 20.30P.155.

## VIII. Conditions of Approval

**The applicant shall comply with all applicable Bellevue City Codes and Ordinances including but not limited to:**

<u>Applicable Ordinances</u>	<u>Contact Person</u>
Clearing and Grading Code- BCC 23.76	Savina Uzunow 425-452-7860
Land Use Code- BCC 20.25H	Kimo Burden, 425-452-5242
Noise Control- BCC 9.18	Kimo Burden, 425-452-5242



**The following conditions are imposed under the Bellevue City Code or SEPA authority referenced:**

**1. Clearing & Grading Permit Required:** Approval of this Critical Areas Land Use Permit does not constitute an approval of a development permit. Application for a clearing and grading permit must be submitted and approved. Plans submitted as part of the permit application shall be consistent with the activity permitted under this approval.

Authority: Land Use Code 20.30P.140  
Reviewer: Kimo Burden, Land Use

**2. Mitigation/Replacement Plan:**

Plans submitted for the clearing and grading permit must show the proposed mitigation planting and monitoring plans as approved with this application.

Authority: Land Use Code 20.25H.220.B  
Reviewer: Kimo Burden, Land Use

**3. Timing of Mitigation Planting:**

All mitigation and replacement planting shall be installed prior to December 31, 2019.

Authority: Land Use Code 20.25H.220.B  
Reviewer: Kimo Burden, Land Use

**4. Installation and Maintenance Sureties and 5-Year Monitoring:** Separate installation and maintenance sureties are required for the mitigation planting and based on cost estimates which includes all costs associated with plant installation and maintenance and monitoring for 5 years respectively. The cost estimate is required to be submitted as part of the clearing and grading permit application and the installation surety is required prior to permit issuance. The maintenance surety is required prior to clearing and grading final inspection. The maintenance surety will be released upon successful completion of the 5-year maintenance and monitoring period and inspection by Land Use.

Authority: Land Use Code 20.25H.255  
Reviewer: Kimo Burden, Land Use

**5. Maintenance and Monitoring Reporting:** Maintenance and monitoring is required to be carried out as detailed in the submitted plan. The reports can be sent to Kimo Burden at [cburden@bellevuewa.gov](mailto:cburden@bellevuewa.gov) or the address below.

Environmental Planning Manager  
Development Services Department  
City of Bellevue  
PO Box 90012  
Bellevue, WA 98009-9012

Authority: Land Use Code 20.25H.220.D  
Reviewer: Kimo Burden, Land Use

**6. Rainy Season restrictions:** Due to the proximity to steep slope and stream critical areas, no clearing and grading activity may occur during the rainy season, which is defined as October 1 through April 30 without written authorization of the Development Services Department. Should approval be granted for work during the rainy season, increased erosion and sedimentation measures, representing the best available technology must be implemented prior to beginning or resuming site work.

Authority: Bellevue City Code 23.76.093.A  
Reviewer: Savina Uzunow, Clearing and Grading

**7. Pesticides, Insecticides, and Fertilizers:** The applicant must submit as part of the required Clearing and Grading Permit information regarding the use of pesticides, insecticides, and fertilizers in accordance with the City of Bellevue's "Environmental Best Management Practices".

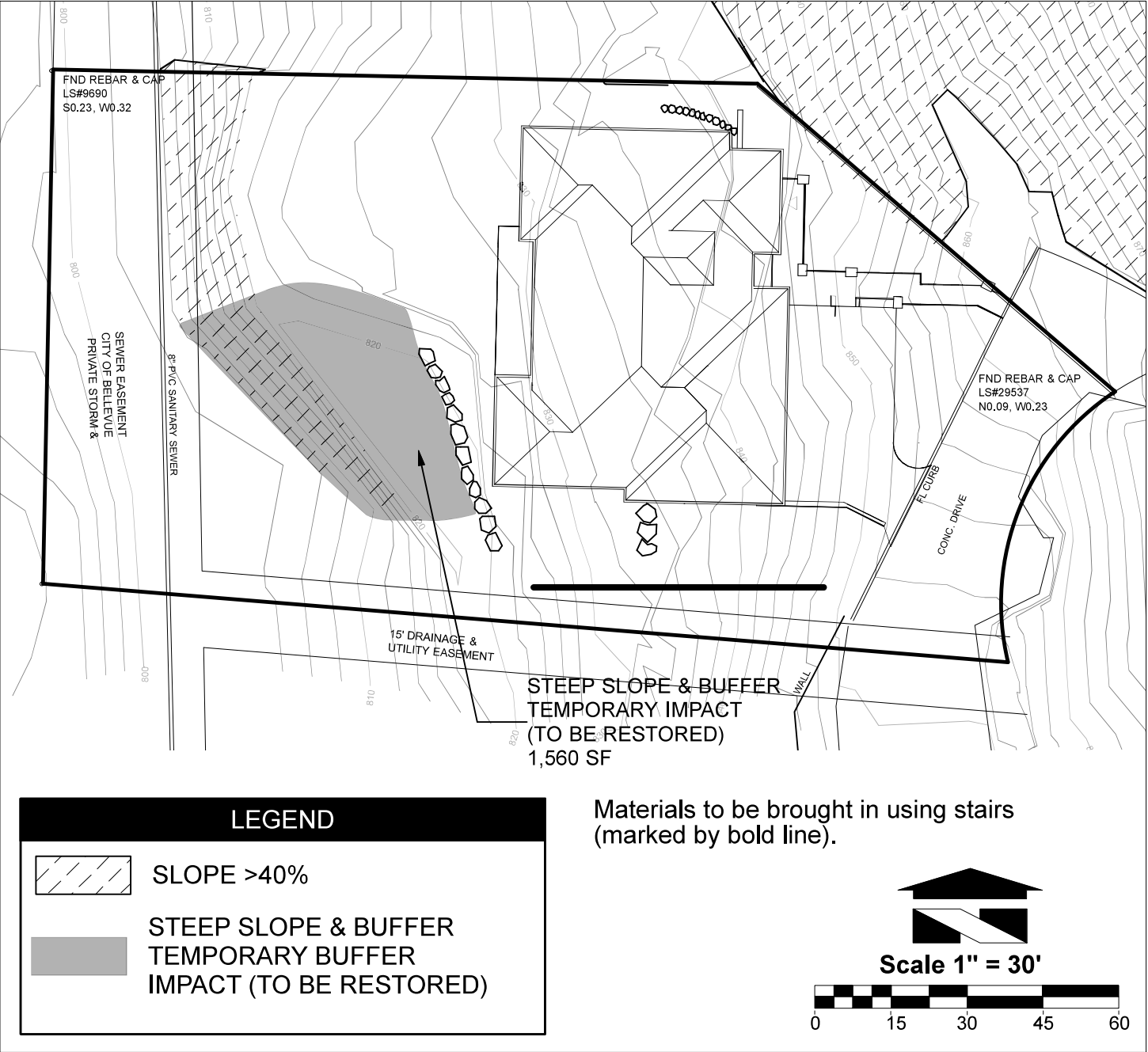
Authority: Land Use Code 20.25H.220.H  
Reviewer: Kimo Burden, Land Use



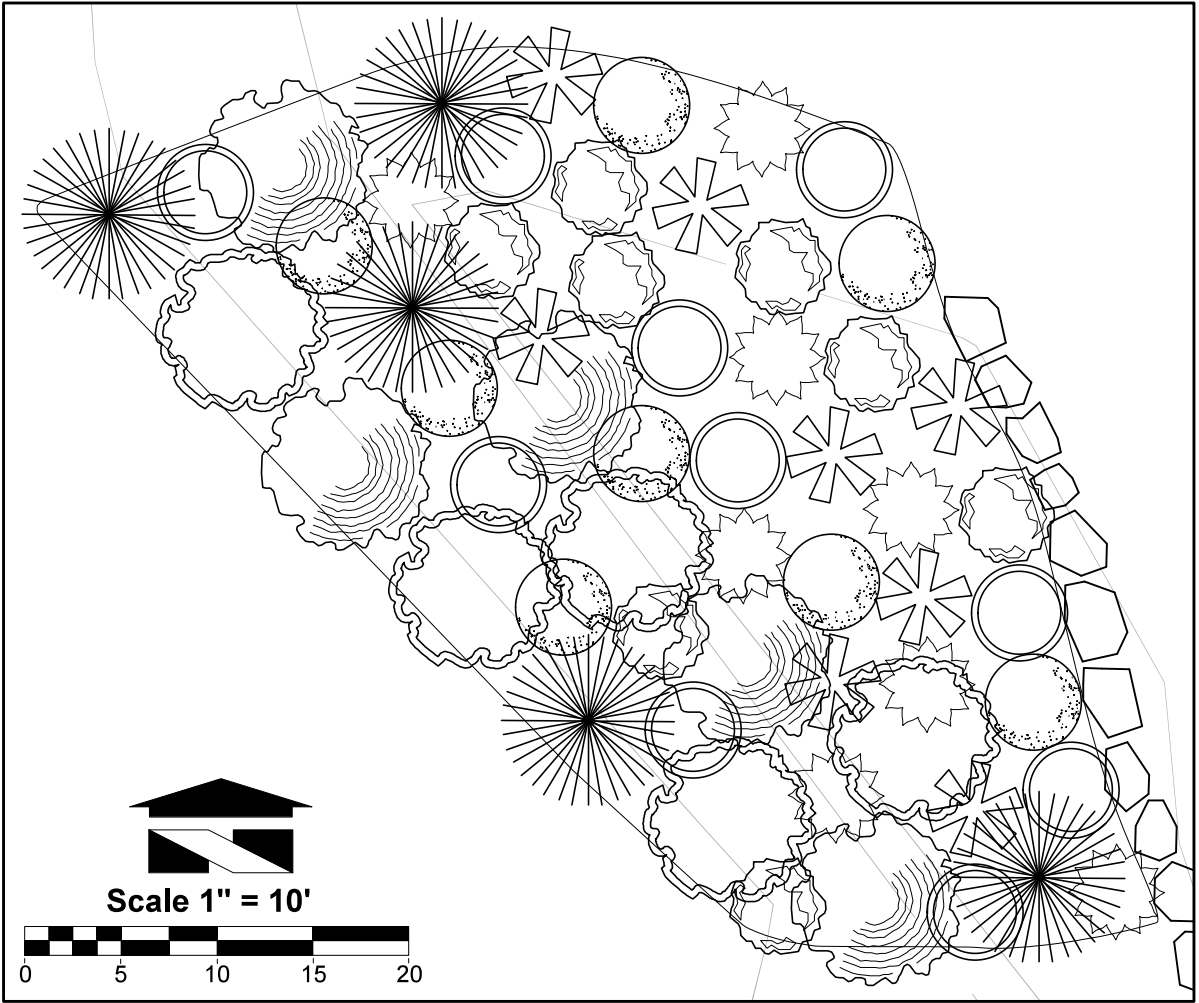
STEEP SLOPE & BUFFER RESTORATION PLAN  
**BELEVEDERE - 5139 PL SE**

PORTION OF SECTION 22, TOWNSHIP 24N, RANGE 5E, W.M.

**SITE OVERVIEW**



**RESTORATION PLANTING PLAN**



PLANT SYMBOL LEGEND			
	BIGLEAF MAPLE		DOUGLAS FIR
	RED ALDER		OCEAN SPRAY
			SALMONBERRY
			THIMBLEBERRY
			BEAKED HAZELNUT
			MOCK ORANGE

TREE PROTECTION NOTES:

**Tree #1**  
Encroachment includes construction of a walkway that will require excavation up to 7 feet into the TPZ. This area is approximately 25 square feet in size, which is approximately 2.4 percent of the total TPZ area. Tree protection fencing shall be relocated from the defined TPZ to accommodate stair construction as shown on the attached exhibit, and then placed back at the edge of the stairs until the project is completed.

Any soil exposed during this process shall be covered in a 6" layer of coarse mulch or woodchips.

**Tree #102**  
Removal of the existing rockery shall be performed using equipment with wheels or tracks outside the identified TPZ as shown on the attached exhibit. Rocks shall be lifted up and away from the base of this tree to avoid injuring roots beneath the rocks. Roots 2" diameter or larger that are injured shall be documented, and recommendations made as necessary. The soil exposed from the rockery removal shall be immediately covered in a 6" layer of coarse mulch or woodchips. (The protection fencing shall be removed temporarily to accommodate rockery removal, and then replaced immediately afterward.)

At the NW corner of the proposed house, the protective fencing shall be placed at a distance of 5 feet from the foundation, to allow access for construction. This area outside the fencing, but within the TPZ shall be covered in a 6" layer of coarse mulch or woodchips.

For both trees, the potential for root loss and rootplate disturbance is negligible. The proposed encroachment shall be mitigated by expanding the area of the protection area on at least two quadrants of each tree, keeping an equivalent area protected from disturbance. (See attached exhibit.)

A warning sign shall be prominently displayed on each fence. The sign shall be a minimum of 8.5 x 11-inches and clearly state: "WARNING - Tree Protection Zone - This fence shall not be removed and any injury to this or these trees is subject to penalty according to BCC 14.06.100."

BMP T101: Tree Protection Requirements is published by City of Bellevue and identifies management practices to employ at construction sites to guarantee successful protection of regulated trees. The City may require other practices identified in this document.

Pre-Construction Meeting  
REQUIRED with  
Right of Way Inspector  
Phone: 425-452-6875

SHUGART  
WASSE  
WICKWIRE

architecture & interiors

911 WESTERN AVE, SUITE 301  
SEATTLE, WASHINGTON 98104  
P: 206.264.7744 F: 206.903.8373  
SWW-AI.COM



Belvedere Lot 6

5139 145th Pl SE  
Bellevue, WA 98006



City of Bellevue Approvals

Revisions	Date
COB REV 1	03/27/17
COB REV 2	05/10/17

PERMIT SET REV 2

Date:	01/19/17
SWW #:	1605
City #:	
Drawing:	EA
Approval:	MIW

Site Plan



1 Site Plan  
1" = 10'-0"

